

8/23/2007

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SINA MIRTORABI and LEILA DJEMA,)
)
Plaintiffs,)
)
v.)
)
MICHAEL CHERTOFF, Secretary,)
Homeland Security; et al.,)
)
Defendants.)

No. C 07-0379 JW

STIPULATION TO RESCHEDULING
AND [PROPOSED] ORDER

The Plaintiffs, by and through their attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to reschedule the Case Management Conference, in light of the following:

1. On August 9, 2007, pursuant to the parties' stipulation, the Court vacated the August 13, 2007 hearing and CMC date, deemed the Defendants' Motion to Dismiss withdrawn, and held the case in abeyance.

2. On August 15, 2007, the Department of State issued the September Visa Bulletin, which indicates that Plaintiff's visa number will be current in September.

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3. Accordingly, the parties will file cross motions for summary judgment no later than October 1, 2007, noticing November 5, 2007 at 9:00 a.m. for a hearing. Oppositions shall be filed no later than October 15, 2007.

4. Further, the parties request the Court to reschedule the CMC for November 5, 2007, at 9:00 a.m., to coincide with the hearing on the cross-motions for summary judgment. The parties will file a joint case management statement no later than October 29, 2007.

Dated: August 22, 2007

/s/
MELANIE L. PROCTOR¹
Assistant United States Attorney
Attorney for Defendants


Dated: August 21, 2007

/s/
EDWARD R. LITWIN
Attorney for Plaintiffs

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the Case Management Conference is rescheduled for November 5, 2007 at 10:00 a.m.

Dated: August 23, 2007


JAMES WARE
United States District Judge

¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.